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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,871	04/18/2005	Johan Theodore Reid-Robertson	6502-1039	1174

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EXAMINER

HAGEMAN, MARK

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 09/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/500,871	REID-ROBERTSON ET AL.	
	Examiner	Art Unit	
	Mark Hageman	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 54-72 is/are pending in the application.
- 4a) Of the above claim(s) 71 and 72 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 54-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7-7-2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7-7-2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I (Claims 54-70) in the reply filed on 8-4-2006 is acknowledged.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

- 30 page 7 line 10
- 155 page 12 line 2

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "W" " has been used to designate the width of both the border and the support section. It is clear in figure 4 that these widths are different.

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Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 12E found first on page 8 line 30. Throughout the specification 12 is used in reference to "the body" and E is used in reference to the "screening element", but no 12E reference character is apparent in the drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities:

- Page 10 line 6, "20" should read "120" to be consistent with the reference characters as they appear in the drawings.

Appropriate correction is required.

6. The use of the trademark DURATHANE BKV30™ has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 54, 69-70 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

-Re claim 54, the claim recites, "and in a plurality of spacers" which is indefinite as it is not clear what is meant by this statement and the specification does not give adequate description to make sense out of the statement. It is believed that the word "in" should be removed so the claim would read, "and a plurality of spacers". The claim

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has been treated as such. Please make this or other amendment in order to clarify the statement in question.

-Re claims 69-70, claim 69 recites, "a screening formation with a first screening section which extends in a first direction... a third screening section... which extends in a third direction which is opposite to the first direction." This is indefinite as the disclosure shows the first and third sections as parallel. In order to understand and evaluate the limitations of the claims there has to be some way of defining the direction in which the screening sections extend, otherwise it is possible to say that either direction along the longer axis of element is the direction of the element. The claims have been examined as best understood.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 54, 56-58, 61, 62, 68-70 are rejected under 35 U.S.C. 102(b) as being anticipated by US 4,674,251 to Wolff. Wolff discloses, a body (5) with an upper screening surface, a lower discharge surface, a plurality of beam formations (5, 6 figure 1) each of which extends at least partially across the body, at least a first plurality of apertures (6) in the body defined by the beam formations, an integrally formed reinforcing frame (9) which is at least partially embedded in the body and which is made

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of a first plastics material (c3 lines 16-20), and a plurality of spacers (13) which are integrally formed on the frame and at least partially embedded in the body (c4 lines 1-6).

-Re claim 56, Wolff discloses, the frame includes at least one cross member (4).

-Re claim 57, Wolff discloses, a plurality of keying formations on the frame (10 c3 lines 33-37).

-Re claim 58, Wolff discloses, each of the keying formations is in the form of a groove, spigot, or aperture (10 c3 lines 33-37).

-Re claim 61, Wolff discloses, the body is made from a second plastics material (c2 lines 4-5).

-Re claim 62, Wolff discloses, the body includes a plurality of location formations (7, 8).

-Re claim 68, Wolff discloses, a plurality of first cross members which extend from at least one beam formation in a first direction and a plurality second cross members which extend from the one beam formation in second direction which is opposite to the first direction, each of the second cross members being directly opposite a respective first cross member (5, 6 figure 1).

-Re claim 69, Wolff discloses, screening formation with a first screening section which extends in a first direction, a second screening section attached to the first screening section which extends in a second direction which is different from the first direction, a third screening section attached to the second screening section which extends in a third direction which is opposite to the first direction and a fourth screening section attached to the third screening section which extend in the second direction (5,

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6 figure 1).

-Re claim 70, Wolff discloses, the second direction is at a right angle to the first direction (5,6 figure 1).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 59 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff. Wolff discloses all the limitations of the claims except the specific numeric ratios 2:5 to 2:3 for claim 59 and 2:4 for claim 60. Wolff does show frame elements with cross sections that are taller than they are wide (2, 4, 9). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to make the frame elements with the specific slenderness ratios to provide adequate rigidity to the frame structure.

13. Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff in view of US 3,351,228 to Huisman. Wolff discloses the limitations of claim 54 and, the frame is rectangular in outline (figure 1) and defines at least one rectangular opening (figure 1) and includes a plurality of inner corners. Wolff does not disclose at least one of the inner corners provides an expansion point. Huisman discloses an expansion point (abstract) for the purpose of reducing internal stress and buckling (abstract).

It would have been obvious to one of ordinary skill in the art at the time of the

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applicant's invention to have modified Wolff to include the expansion point, as taught by Huisman, for the purpose of reducing internal stress and buckling (abstract).

14. Claim 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff in view of US 6,714,121 to Moore. Wolff discloses all the limitations of the claim except a tag which is located in the body. Moore discloses a tag which is located in the body (19 c5 lines 41-42) for the purpose of automatically tracking items (abstract).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Wolff to include a tag which is located in the body, as taught by Moore, for the purpose of automatically tracking the screen.

15. Claims 64-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff in view of US 4,857,176 to Derrick et al. Wolff discloses all the limitations of the claims except at least one beam formation, in cross-section includes a tapered section and a support section. Derrick discloses at least one beam formation (50 figure 10), in cross-section includes a tapered section (52) and a support section (figure 10) for purpose of decreasing the tendency to clog (c1 lines 37-38).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Wolff to include at least one beam formation (50 figure 10), in cross-section includes a tapered section (52) and a support section (figure 10) for purpose of decreasing the tendency to clog (c1 lines 37-38), as taught by Derrick, for purpose of decreasing the tendency to clog (c1 lines 37-38).

-Re claim 65, Wolff further discloses a reinforcing insert (12).

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-Re claim 66, Wolff discloses all the limitations of the claim except the tapered section has a reducing taper from the screening surface towards the discharge surface and the support section is located between the tapered section and the discharge surface. Derrick discloses the tapered section has a reducing taper from the screening surface towards the discharge surface and the support section is located between the tapered section and the discharge surface (29", 52, 50 figure 10) for purpose of decreasing the tendency to clog (c1 lines 37-38).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Wolff to include the tapered section has a reducing taper from the screening surface towards the discharge surface and the support section is located between the tapered section and the discharge surface (29", 52, 50 figure 10), as taught by Derrick, for purpose of decreasing the tendency to clog (c1 lines 37-38).

16. Claims 67 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff in view of US 4,563,270 to Wolff (referred to hereafter as Wolff 270). Wolff discloses all the limitations of the claims except the first plurality of apertures are in communication with one another. Wolff 270 discloses the first plurality of apertures are in communication with one another (5 figure 1) for the purpose of providing a self-cleaning effect (abstract).

It would have been obvious to one of ordinary skill in the art at the time of the

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applicant's invention to have modified Wolff to include the first plurality of apertures are in communication with one another, as taught by Wolff 270 for the purpose of providing a self cleaning effect (abstract).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Hageman whose telephone number is (571) 272-3027. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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